

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1978 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

CHIMANLAL GOPALDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR ASHOK K PADIA for Petitioner

MR SK PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/09/1999

ORAL JUDGEMENT

1. Shri Padia states that the proceedings which are subject matter of challenge in this special civil application do not relate to sections 11, 12, 13 and 14 of the Principal Act. He further made a statement that the possession of the disputed land is with the petitioner.

2. Learned counsel for the respondents submit that

the matter may be adjourned to Monday to ascertain whether the possession is with the petitioner or not or to study whether this special civil application abates or not.

3. This matter is of the year 1988 and the Urban Land (Ceiling & Regulation) Repealed Act, 1999 was brought into effect from March, 1999 and the respondents had more than six months time to ascertain these facts and file appropriate affidavit in the Court. This very fact that for six months nothing has been done by the respondents goes to show that whatever the petitioner is stating may be correct.

4. Taking into consideration the statement made by the counsel for the petitioner, this special civil application is dismissed as having abated. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs. However, liberty is granted to the respondents No.1 and 2 for revival of this special civil application in case of difficulty.

zgs/-